

**ZONING CHANGE REVIEW SHEET****CASE:** C14-2016-0032 (Smithers RV Storage)**P.C. DATE:** July 26, 2016**ADDRESS:** 10400 North Lamar Boulevard**DISTRICT AREA:** 4**OWNER/APPLICANT:** Ben F. Smithers**ZONING FROM:** GR-CO-NP**TO:** CS-NP**AREA:** 1.50 acres**SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant CS-CO-NP, General Commercial Services-Conditional Overlay-Neighborhood Plan Combining District, zoning. The conditional overlay will limit development to less than 2,000 vehicle trips per day and will prohibit the following uses on the property: Alternative Financial Services, Agricultural Sales and Services, Bail Bond Services, Building and Maintenance Services, Campground, Construction Sales and Services, Equipment Repair Services, Kennels, Commercial Blood Plasma Center, Laundry Services, Monument Retail Sales, Vehicle Storage, Veterinary Services, Maintenance and Service Facilities, Equipment Sales and Exterminating Services.

**PLANNING COMMISSION RECOMMENDATION:****DEPARTMENT COMMENTS:**

The site under consideration is currently being utilized for an automotive sales business (GOL Auto Sales). The lot to the north is developed with an automotive repair use (Angkor Tire & Auto). To the south, across Neans Drive, there is a food sales use (Metro Star Food Mart) and single family residential houses. The property to the east, across North Lamar Boulevard, is developed with multifamily residential (Sterling Village Apartments). To the west, there are single family residential houses. The applicant is requesting CS-NP zoning at this location because he would like to redevelop the rear (western) portion of the lot with a Convenience Storage use.

In 2001, the North Austin Civic Association Neighborhood Plan was devised for this area of the City. The neighborhood plan recommended Commercial designation on the future land use map for the property in question. On May 24, 2001, the City Council approved the North Austin Civic Association Neighborhood Plan along with GR-CO-NP, Community Commercial-Conditional Overlay-Neighborhood Plan Combining District, zoning for this tract of land.

The staff recommends the applicant's request for General Commercial Services zoning with conditions. CS-CO-NP zoning is consistent with the Commercial use land use designation on the adopted in on the Future Land Use Map for this portion of the North Austin Civic Association Neighborhood Planning Area (Please see North Austin Civic Association Neighborhood Planning Area FLUM – Attachment A). The property in question fronts onto North Lamar Boulevard, an arterial roadway and an identified Activity Corridor in the Imagine Austin Comprehensive Plan. The property is located adjacent to existing commercial uses to the north and south. There is existing CS-NP zoning to the north and CS-CO-NP zoning to the south that fronts North Lamar Boulevard. The staff's recommendation for a conditional overlay on this site is consistent with the conditions placed on other similarly zoned commercial properties in this area.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR-CO-NP	Automotive Sales (GOL Auto Sales), Automotive Repair (Austin Automobile Clinic, Jerose Discount Tire and Brakes)
<i>North</i>	CS-NP	Automotive Repair (Angkor Tire & Auto)
<i>South</i>	SF-2-NP, GR-NP, CS-CO-NP	Food Sales (Metro Star Food Mart), Single Family Residential Houses
<i>East</i>	MF-2-NP	Multifamily (Sterling Village Apartments)
<i>West</i>	SF-2-NP	Single Family Residential Houses

**AREA STUDY:** North Austin Civic Association Neighborhood Plan    **TIA:** Waived

**WATERSHED:** Little Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation  
 Austin Independent School District  
 Austin Neighborhoods Council  
 Austin Northwest Association  
 Bike Austin  
 Friends of Austin Neighborhoods  
 Georgian acres Neighborhood Association  
 Homeless Neighborhood Association  
 Mockingbird Hill Neighborhood Association  
 North Austin Civic Association  
 North Austin Civic Association Neighborhood Plan Contact Team  
 North Growth Corridor Alliance  
 North Lamar Neighborhood Association  
 North Lamar Combined Neighborhood Plan  
 Shoal Creek Conservancy  
 Sierra Club, Austin Regional Group

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2012-0023 (601 W. Applegate Drive)	LO-MU-CO-NP to GR-MU-NP	6/12/12: Approved staff recommendation to deny the requested zoning (6-1, A. Hernandez-No, D. Anderson and D. Chimenti-absent); M. Dealey-1 <sup>st</sup> , D. Tiemann-2 <sup>nd</sup> .	6/28/12 : Denied the rezoning request (7-0); B. Spelman-1 <sup>st</sup> , L. Morrison-2 <sup>nd</sup> .
C14-2010-0048 (North Lamar NP Rezoning)	CR-CO to LO-MU-CO-NP	5/11/10: Approved the staff's recommendation for LO-MU-CO-NP zoning, with condition to remove Art Gallery, Art Workshop, and Counseling Services as	6/24/10: Approved the North Lamar Combined Neighborhood Plan, except for tract 32 (postponed to July 29, 2010), and tracts 134 and 135B, on Council Member Spelman's motion,

		prohibited uses, for Tract 20 (ABS 29 SUR 38 Applegate J ACR .17, Lot 1 Block K Mockingbird Hill Section 1 Subdivision, Lot 2 Block K Mockingbird Hill Section 1 Subdivision, and 601 West Applegate Drive); Vote: (8-0, J. Reddy-absent); C. Small-1 <sup>st</sup> , M. Dealey-2 <sup>nd</sup> .	Council Member Cole's second on a 7-0 vote.  Approved the North Lamar Neighborhood Plan Combining District (NP) was approved on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
C14-05-0163 (Landrum-4: 601 W. Applegate Drive)	SF-2 to GR* *The applicant amended their rezoning request to CR zoning on November 14, 2005	<p>10/18/05: Postponed to November 1, 2005 by the staff (9-0); J. Martinez-1<sup>st</sup>, J. Gohil-2<sup>nd</sup>.</p> <p>11/01/05: Postponed to November 15, 2005 by the applicant (9-0); J. Martinez-1<sup>st</sup>, J. Gohil-2<sup>nd</sup>.</p> <p>11/15/05: Case continued to January 17, 2006 ZAP Commission meeting (7-0, J. Gohil, J. Martinez – absent); M. Hawthorne-1<sup>st</sup>, T. Rabago-2<sup>nd</sup>).</p> <p>1/17/06: Postponed to January 31, 2006 at the applicant's request (9-0); J. Martinez-1<sup>st</sup>, J. Gohil-2<sup>nd</sup>.</p> <p>1/31/06: Approved CR-CO zoning with the following conditions: 1) Recreational Equipment Maintenance &amp; Storage as the only permitted CR (Community Recreation) district use; 2) Permit SF-6 (Townhouse &amp; Condominium Residence) district uses; 3) SF-6 (Townhouse &amp; Condominium Residence) district site development standards; 4) Limit access to the driveway previously considered Motheral Drive (vacated Motheral Drive); 5) The applicant will provide a vegetative buffer along Applegate Drive; 6) The site shall be limited to less than 300 vehicle trips per day above the existing trip generation. Vote: (8-0, J. Gohil-absent)</p>	<p>3/02/06: Approved CR-CO zoning on 1<sup>st</sup> reading with the following additional restrictions: 18 foot height limitation, minimum of 6 foot solid fence around all four sides of the property with the additional provision that the fence along Applegate must be 10 feet off the north property line and must have landscaping in front of it, and driveway access would be from Motheral Drive (6-1, Kim-Nay); Alvarez-1<sup>st</sup>, Wynn-2<sup>nd</sup></p> <p>4/20/06: Approved CR-CO zoning with conditions by consent (6-0, D. Thomas-off dais); 2<sup>nd</sup>/3<sup>rd</sup> readings</p>
C14-04-0209	CS-CO, CS to CS-1	3/01/05: Approved staff rec. of CS-1-CO with following conditions: Prohibit Adult Oriented Businesses, Liquor Sales, Cocktail Lounge, Vehicle Storage, Pawn Shop Services, Indoor Entertainment,	3/24/05: Approved CS-1-CO (7-0); all 3 readings

		Exterminating Services, Guidance Services; limit height to a maximum of 40 feet; limit development to 2,000 vtpd (8-0)	
C14-03-0150 (Gilleland Zoning Change: 606 West Grady Drive)	SF-2 to CS* *Amended to 'GR' on 11/5/03	11/4/03: Approved staff's recommendation to deny CS, General Commercial Services District, zoning (9-0)	12/11/03: The motion to deny zoning request was approved (7-0); Slusher-1 <sup>st</sup> , McCracken-2 <sup>nd</sup> . The motion to approve reconsideration of this item was approved (7-0); Slusher-1 <sup>st</sup> ; Thomas-2 <sup>nd</sup> . This item was postponed to January 29, 2004 (7-0); Slusher-1 <sup>st</sup> , Wynn-2 <sup>nd</sup>  1/29/04: Denied request (4-0), Thomas/ Goodman-absent, McCracken-off dias)
C14-01-0116	LO to CS	1/22/02: Approved staff alternate rec. of CS-CO; w/conditions (8-0)	2/28/02: Approved CS-CO w/other conditions (6-0); all 3 readings: 1) Subject to TIA conditions; 2) Prohibiting the following uses: a) Automotive Washing (of any type) b) Commercial Off-Street Parking c) Convenience Storage d) Equipment Sales e) Funeral Services f) Kennels g) Monument Retail Sales h) Outdoor Sports and Recreation i) Residential Treatment j) Local Utility Services k) Service Station l) Campground m) Construction Sales and Services n) Equipment Repair Services o) Exterminating Services p) Hotel-motel q) Laundry Services r) Outdoor Entertainment s) Vehicle Storage t) Community Recreation (public) u) Community Recreation (private) v) Off-site Accessory Parking w) Drop-off Recycling Collection Facility 3) Prohibit Drive-in Service

C14-01-0037	MF-2, SF-3, SF-2 to NO- NP	4/17/01: Approved staff rec. of NO- NP, CS-NP, MF-2-NP, LO-NP, GR- NP, P-NP, LI-NP (9-0)	5/24/01: Approved PC rec. on all 3 readings, except Tract 9 (1 <sup>st</sup> reading only); (6-0)  8/9/01: Approved CS-NP for Tract 9 (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
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**RELATED CASES:** C14-93-003

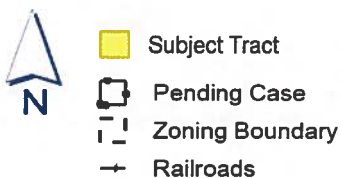
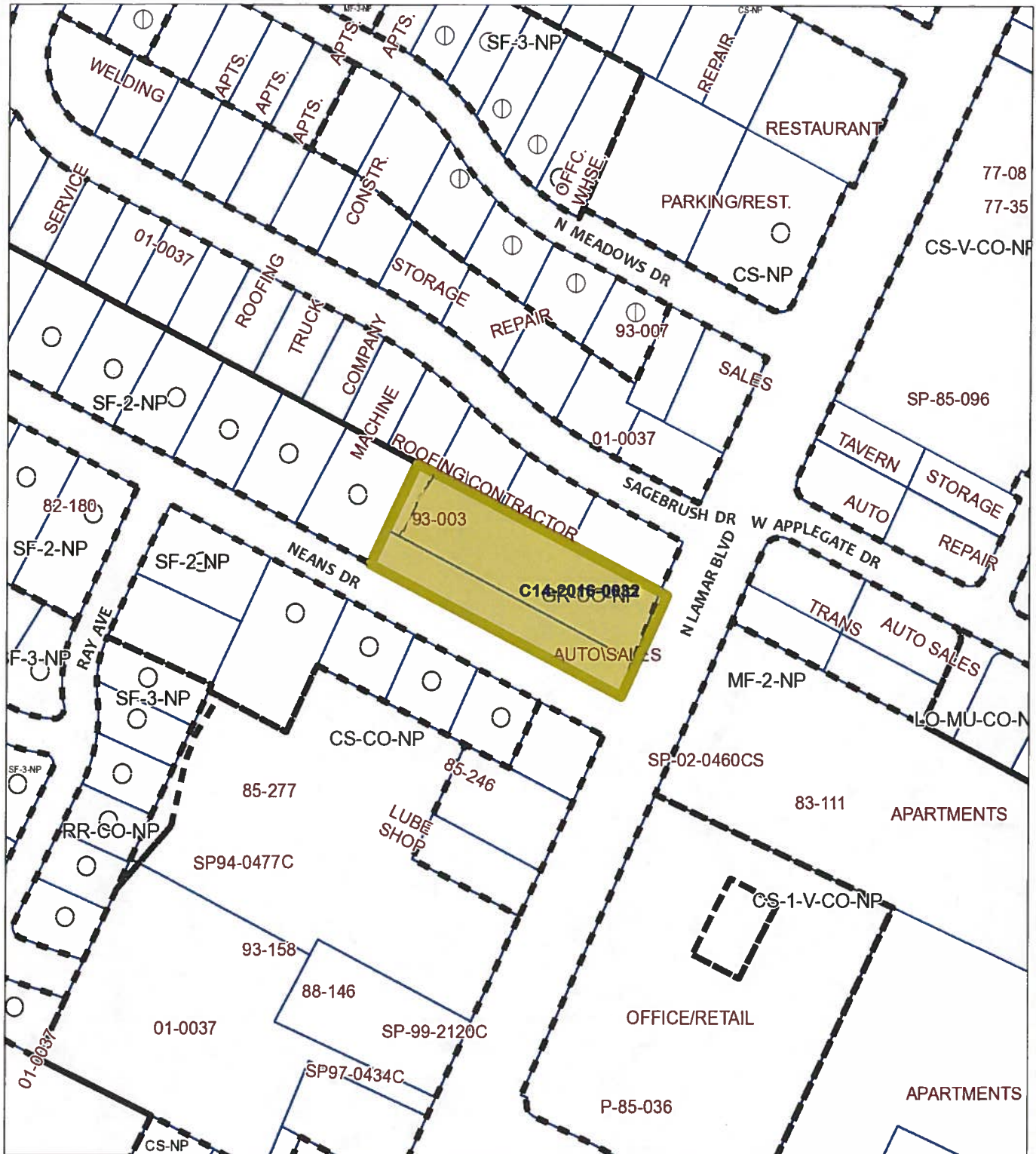
C14-01-0037 (North Austin Civic Association Neighborhood Plan Rezonings)

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
Neans Drive	60'	Varies	Collector	998
N. Lamar Blvd.	Varies	MAD-4	Arterial	26,794

**CITY COUNCIL DATE:** August 11, 2016**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Sherri Sirwaitis**PHONE:** 512-974-3057,  
sherri.sirwaitis@austintexas.gov





100 200  
Feet

1" = 200'

## ZONING

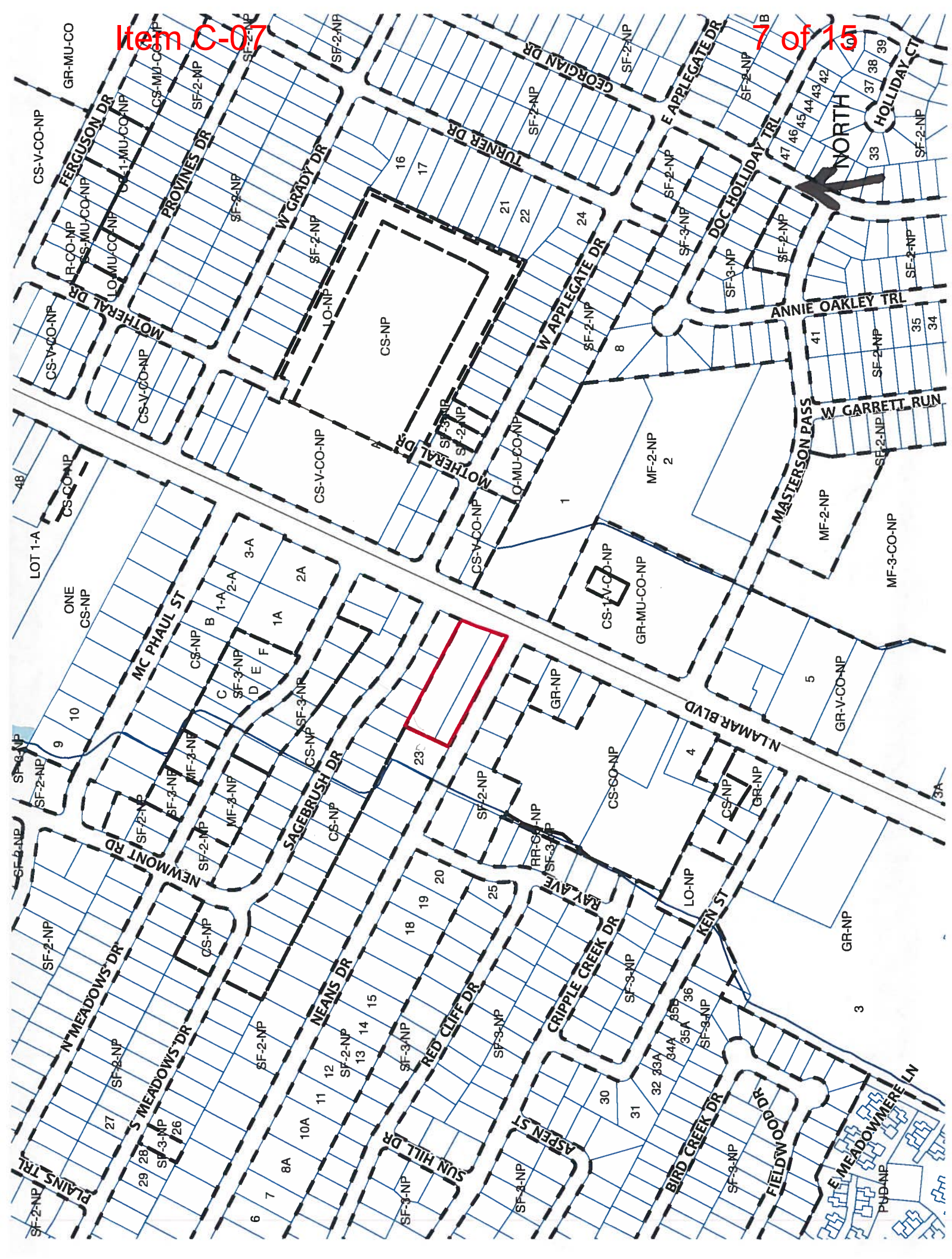
ZONING CASE#: C14-2016-0032



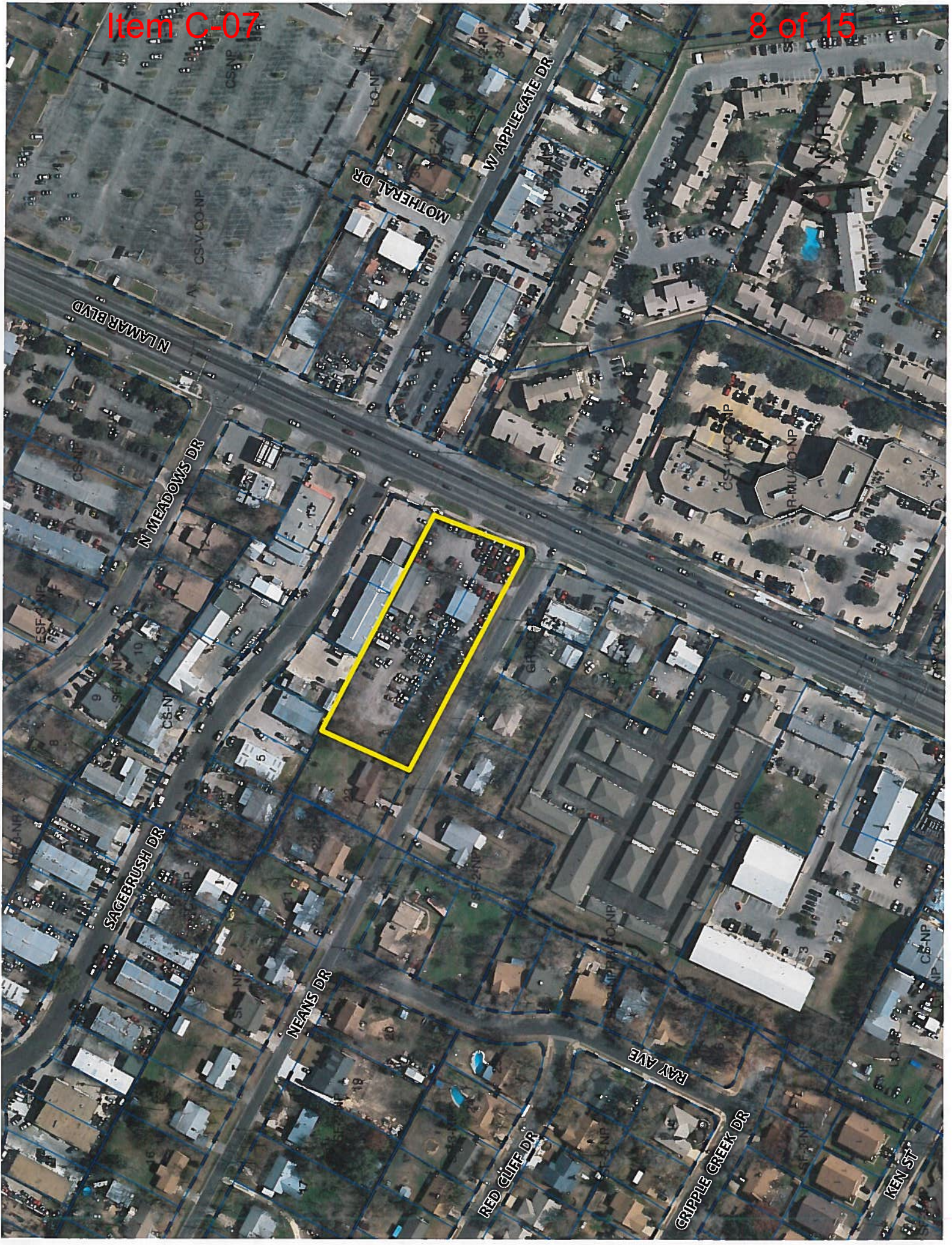
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.











**STAFF RECOMMENDATION**

The staff's recommendation is to grant CS-CO-NP, General Commercial Services-Conditional Overlay-Neighborhood Plan Combining District, zoning. The conditional overlay will limit development to less than 2,000 vehicle trips per day and will prohibit the following uses on the site: Alternative Financial Services, Agricultural Sales and Services, Bail Bond Services, Building and Maintenance Services, Campground, Construction Sales and Services, Equipment Repair Services, Kennels, Commercial Blood Plasma Center, Laundry Services, Monument Retail Sales, Vehicle Storage, Veterinary Services, Maintenance and Service Facilities, Equipment Sales and Exterminating Services.

**BASIS FOR RECOMMENDATION**

1. *The proposed zoning is consistent with the purpose statement of the district sought.*

General commercial services (CS) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

The property in question fronts onto North Lamar Boulevard, an arterial roadway and an identified Activity Corridor in the Imagine Austin Comprehensive Plan.

2. *The proposed zoning promotes consistency and orderly planning.*

The proposed CS-CO-NP zoning is appropriate at this location because the Future Land Use Map for this portion of the North Austin Civic Association Neighborhood Planning Area designates this tract for Commercial land use. The property is located adjacent to existing commercial uses to the north and south. There is existing CS-NP zoning to the north and CS-CO-NP zoning to the south, fronting North Lamar Boulevard. The staff's recommendation for a conditional overlay on this site is consistent with the conditions placed on other similarly zoned commercial properties in this area.

**EXISTING CONDITIONS****Site Characteristics**

The site under consideration contains an automotive sales use with a vacant parking area along the western portion of the tract.

**Comprehensive Planning**

GR-CO-NP to CS-NP

This zoning case centers on a 1.5 acre parcel, which contains a parking area in the rear of the property and an auto sales lot in the front. The property is located within the boundaries of the North Austin Civic Association Neighborhood Planning Area. Surrounding land uses includes a tire/brake store to the north; an auto repair shop, shopping plaza and single family housing to the south; an apartment complex to the east; and single family housing to the west. The proposed use is RV storage.

**Connectivity:** Sidewalks are non-existent on both sides of N. Lamar Blvd in this area, and instead includes an open drainage swale and a 'goat path' that is well used by pedestrians. A Cap Metro stop

is located within walking distance of the property. The walk score for this area is 58/100, meaning some errands may be accomplished on foot; a 43/100 for public transit, and a 46/100 for the bike score, meaning the area is flat and there are some minimal bike lanes.

#### **North Austin Civic Association Neighborhood Planning Area (NACANPA)**

The NACANPA Future Land Use Map designates this portion of the planning area as Commercial and Zone CS is permitted in this land use district. The Commercial FLUM category is defined as lots or parcels containing retail sales, services, hotels, hotel/motels and all recreational services that are predominantly privately owned and operated for profit. The following text, policies, objectives and actions are taken from the NACANPA plan and pertain to this case:

**Objective 2:** Rezone and recommend alternatives for reuse and redevelopment to protect the residential areas of the neighborhood and to direct growth along Lamar Boulevard (p. 23)

**Action 17.** Allow Smart Growth “Neighborhood Mixed Use Buildings” on property located on Lamar Boulevard that is currently used for multi-family but is zoned Community Commercial (GR).

**Action 18.** Rezone the parcels within the area bounded by North Lamar Boulevard, Kramer Lane, Newmont Road and Sagebrush Drive from Limited Industrial (LI) to Commercial Services (CS) to protect the single family residences in this area.

**Objective 3:** Direct future growth along Lamar Boulevard and make Lamar Boulevard a “Great Street.”

**Goal 1:** Create a more pedestrian and cyclist friendly neighborhood by adding sidewalks and improving access to major centers of neighborhood activity. p. 26

**Objective 1:** Add and improve walkways in neighborhood.

**Action 24.** Provide a continuous, accessible sidewalk system throughout the neighborhood and along the following streets, which function as collectors and/or routes to schools. This may involve the construction of new sidewalks, addition of missing segments to existing walkways, installation of curb cuts and/or repair of broken or misaligned sidewalks.

**Objective 2:** Provide safe access for cyclists and pedestrians to major centers of neighborhood activities. P. 27

**Action 28.** Perform a pedestrian safety/traffic study on Lamar from Fairfield to Highway 183 to develop pedestrian friendly crossings. This area is very dangerous for pedestrians to cross. Pedestrians need safe access across Lamar and to the Capital Metro Transit Center.

#### **NACA Design Guidelines (p. 57)**

**Commercial Objective 3:** Minimize the Visual Impact of Parking Lots and Parking Structures

**Commercial Guideline 3.1.** Locate all parking and service access between the buildings. Parking lots located to the side of buildings should be limited in width to 64’; the minimum required for a single 2 way driveway with a parking space at 90 degrees on both sides.

**Commercial Guideline 3.2.** Encourage screening the view of parking areas from the street with landscaping or ornamental fencing at a height of 3’6”.



The NACANPA appears to support commercial uses along this portion of the planning area, which would include RV storage, as long as parking areas are screened and located in the rear of the property, and that public sidewalks are installed along the street frontage.

### **Imagine Austin**

The Imagine Austin Growth Concept Map identifies this portion of N. Lamar Blvd. as being located along an **Activity Corridor**. Activity Corridors are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices.

Based on the property being located along an Activity Corridor, which supports commercial uses, and the NACA planning policies above, which also supports CS zoned uses, this project appears to be supported by Imagine Austin, as long as screening of the RV parking lot and connectivity (the installation of public sidewalks) is addressed.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Little Walnut Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

### **Hill Country Roadway**

The site is not within a Hill Country Roadway Corridor.

**Impervious Cover**

The maximum impervious cover allowed by the CS zoning district would be 95%. Zoning district impervious cover limits apply in the Urban Watershed classification.

**Site Plan**

Any new development is subject to Subchapter E Design Standards and Mixed Use. The site would appear to be located on an urban roadway, design standards under this subchapter would be based on this roadway type. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Along the western and southern property line, the following standards apply:

- 1) No structure may be built within 25 feet of the property line.
- 2) No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- 3) No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- 4) No parking or driveways are allowed within 25 feet of the property line.
- 5) In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

**Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

**Transportation**

No additional right-of-way is needed at this time.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

There are existing sidewalks along N. Lamar Blvd. There are no sidewalks along Neans Dr.

According to the Austin 2014 Bicycle Plan, N. Lamar is classified as Bike Route No. 43. Neans Drive is not classified in the Bicycle Plan.

Capital Metro bus service (Route No. 101) is available along N. Lamar Blvd. There is no bus service available along Neans Drive.



## Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
Neans Drive	60'	Varies	Collector	998
N. Lamar Blvd.	Varies	MAD-4	Arterial	26,794

**Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2016-0032

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Jul 26, 2016, Planning Commission

Aug 11, 2016, City Council

*Lesbia L. Posada*  
Your Name (please print)

*813 Neans DR Austin TX*

Your address(es) affected by this application

*813 Neans DR A*

Signature

Date

Daytime Telephone: *512-920-8219*

Comments:

*Their will be more burglaries and the police don't give any hope to get our property back.*

*The Police took 3 1/2 hours to get to my house.*

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: [www.austintexas.gov/planning](http://www.austintexas.gov/planning).



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**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: Jul 26, 2016, Planning Commission**

**Aug 11, 2016, City Council**

Your Name (please print)

Vicente Salas Posada

☐ I am in favor  
☒ I object

Your address(es) affected by this application

Vicente Salas Posada 7-8-2016

Signature

Date

Daytime Telephone: 512-902-2975

Comments:

I don't want to marry person walking outside. They have been to many criminal history in my house until they burglarize me told working around DNA analysis and fingerprint.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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